

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROCKLAND VENDING CORP.,

Plaintiff,

-against-

ROXANNE CREEN, sued in her individual capacity,
MARSHA F. RILEY, sued in her individual capacity,
STEWART KIDDER, sued in his individual capacity,

Defendants.

**AFFIRMATION OF
MARJORIE GARDNER IN
SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT**

07 CV 6268 (WP)(MDF)

MARJORIE GARDNER affirms as follows:


1. I am employed by the New York State Department of Correctional Services ("DOCS") as the Principal Account Clerk for Shawangunk Correctional Facility, where I work with Steward Roxann Creen, and have held this position for over ten years. I am familiar with the contract that Rockland Vending Corporation had with my facility. I make this affirmation on personal knowledge except where expressly stated otherwise.

2. On May 9, 2007, I went with Roxann Creen to meet Mr. Gallagher near the entrance to the facility. I stayed with Mr. Gallagher the entire time he was servicing the vending machines at Shawangunk on May 9, 2007.

3. Mr. Gallagher was free to leave Shawangunk whenever he wanted on May 9, 2007, although he would not have been permitted to take money removed from the vending machines with him when he left. I took no steps to prevent Mr. Gallagher from leaving the facility, and did not instruct anyone else that they should prevent him from leaving the facility.

4. Mr. Gallagher never made any request or made any attempt to leave Shawangunk on May 9, 2007 until he finished servicing the machines. If Mr. Gallagher had ever asked to leave, he would have been allowed to do so immediately.

I affirm under penalty of perjury that the foregoing is true and correct. Executed on April 8, 2008.


Marjorie Gardner